

6 DISTRICT COURT OF GUAM  
7 TERRITORY OF GUAM

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9 ALICE N. SALAS,

Civil Case No. 02-00002

10 Plaintiff,

11 vs.

12 ORDER

13 JAMES JI ENTERPRISE,  
14 JJ PACIFIC DEVELOPMENT  
CORPORATION, JAMES JI, and  
HYUNG LEE,

15 Defendants.

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17 On February 6, 2002, the plaintiff filed the Complaint in the above-captioned case. On  
18 February 8, 2002, the plaintiff filed an Amended Complaint. Neither the Complaint nor the  
19 Amended Complaint requested a trial by jury.

20 The scheduling order prepared by the plaintiff and signed by the Court on May 13, 2002  
21 indicated that the trial in this case is not a jury trial. See Scheduling Order (May 13, 2002) at  
22 ¶15. The May 13, 2002 scheduling order was only signed by the plaintiff's counsel because the  
23 defendants had not yet filed an answer to the Amended Complaint.

24 On June 4, 2002, the defendants filed their Answer to the Amended Complaint. The  
25 Answer did not demand a trial by jury.

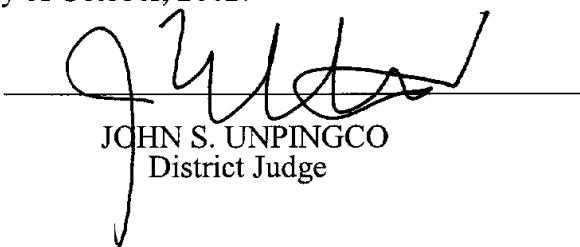
26 On July 11, 2002, the defendants filed a Motion to Enlarge Time, which requested an  
27 enlargement of time to the deadlines imposed by the May 13, 2002 scheduling order to allow  
28 defense counsel adequate time to prepare for trial. The motion was accompanied by a

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1 declaration of defense counsel stating that plaintiff's counsel did not object to the requested  
2 continuance. The defendants submitted a proposed order which amended the May 13, 2002  
3 scheduling order, and which the Court signed and filed on July 24, 2002. The July 24, 2002  
4 order stated that the trial in this matter is a jury trial. See Order (July 24, 2002) at ¶14. While  
5 it was represented to the Court that plaintiff's counsel had no objection to the enlargement of  
6 time, there was no indication that plaintiff's counsel was aware of defendants' request for a jury  
7 trial.

8 Based on this record, the Court hereby rules that this case shall be tried to the bench  
9 with no jury. A party desiring otherwise should file an appropriate motion for a jury trial.

10 SO ORDERED this 23<sup>rd</sup> day of October, 2002.

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13 JOHN S. UNPINGCO  
14 District Judge  
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